

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOANDEPOT.COM, LLC

Plaintiff,

vs.

**STEVE SCHNEIDER, CINDY SMOLIN,
SAMANTHA SIEGEL, FERNANDA
BASKE, BOB BOWMAN, and
CROSSCOUNTRY MORTGAGE, LLC**

Defendants.

Case No. 1:22-cv-01874

**PLAINTIFF LOANDEPOT'S MOTION TO COMPEL ARBITRATION AS TO
INDIVIDUAL DEFENDANTS' COUNTERCLAIMS, OR ALTERNATIVELY, TO
DISMISS UNDER RULE 12(b)(6)**

Plaintiff loanDepot.com, LLC (“loanDepot”), by and through its undersigned counsel, respectfully moves this Court to compel arbitration with respect to the Counterclaims (ECF Nos. 36-38) asserted by Individual Defendants Steve Schneider, Samantha Siegel, and Cindy Smolin (“Individual Defendants”) and to dismiss the Counterclaims from these proceedings as a result. Alternatively, pursuant to Federal Rule of Civil Procedure 12(b)(6), loanDepot moves to dismiss Individual Defendants’ Counterclaims with prejudice for failure to state a claim upon which relief may be granted. For the reasons discussed at length in loanDepot’s memorandum supporting this motion, Individual Defendants signed valid and enforceable arbitration agreements requiring that they pursue the relief they seek through their Counterclaims with JAMS, not with this Court. Moreover, even when accepting the allegations as true and construing all reasonable inferences with respect to the Counterclaims in Individual Defendants’ favor, the Counterclaims fail to state a plausible, let alone logical, claim for relief and they should alternatively be dismissed on this independent basis.

For the reasons briefly stated above and more fully set forth in loanDepot's supporting memorandum, loanDepot respectfully asks that this Court: (a) enter an order compelling Individual Defendants to arbitrate their Counterclaims and dismissing the Counterclaims from this action; or, alternatively, (b) dismissing the Counterclaims with prejudice for failure to state a claim upon which relief may be granted.¹

Dated: June 13, 2022

Respectfully Submitted,

/s/ James M. Witz

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¹ Pursuant to General Order 21-0027, loanDepot will not notice this motion for presentment.

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2022, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of Court using the Court's CM/ECF system, which served this motion on counsel of record for all parties to this action.

/s/ Colton D. Long

Colton D. Long